

REMARKS/ARGUMENTS

The sole claim is claim 4, with claims 2-3 having previously been withdrawn from consideration by the Examiner as directed to a non-elected invention. Claim 4 has been amended to better define the invention by specifying that the width of the indentation is measured along a line perpendicular to the shell body portion delimiting one side of the indentation and from that shell body portion to a side of the tongue facing the shell body portion. Support may be found, *inter alia*, in FIGS. 1-4. Reconsideration is expressly requested.

Claim 4 was rejected under 35 U.S.C. 102(b) as being anticipated by Roemer *et al.* U.S. Patent No. 4,872,248. In the Examiner's view, under a broad and reasonable interpretation of the claim language, Roemer *et al.* is readable on claim 4.

In response, Applicant has amended claim 4 to further define the invention and respectfully traverses the Examiner's rejection for the following reasons.

The differences between Applicant's sliding bearing shell and the bearing shell of Roemer et al. have been discussed previously in Applicant's prior amendments in this case. Based on the Figure from Roemer et al. reproduced on page 4 of the April 17, 2009 Final Office Action, the Examiner has apparently taken the position that the projection 13 of Roemer et al. forms together with the dish a groove which is V-shaped in cross-section, as shown by the drawn-in different groove widths by the Examiner. It is respectfully submitted that this construction cannot be meant by Applicant's claim 4 as amended. Even under claim 4 as previously presented, it is respectfully submitted that the Examiner's construction of the width of Roemer et al. is incorrect, as the lines that the Examiner drew on FIG. 1 of Roemer et al. at page 4 of the April 17, 2009 Final Office Action are not measured from a side of the tongue **facing** the shell body.

Nevertheless, Applicant has amended claim 4 further to specify that the width is measured along a line perpendicular to the shell body portion delimiting one side of the indentation and

from that shell body portion to a side of the tongue facing the shell body portion.

In *Roemer et al.*, the recess 15 is delimited by a horizontal portion of the shell body and a vertical portion of the shell body. Even if the top of radial projection 13 is considered a side of the tongue, that side does not face the vertical shell body portion. In addition, the lines drawn by the Examiner do not extend perpendicular to either the horizontal or vertical portions of the shell body so that it cannot be said that the width of the indentation narrows when measured along the line perpendicular to either of these portions as recited in claim 4 as amended.

Moreover, for the reasons set forth in Applicant's prior Amendment filed March 30, 2009, it is respectfully submitted that the recitation in claim 4 as amended of a tongue that is partly cut and bent out from the shell body at an angle forming an indentation starting from the separation area represents a structural characteristic that further distinguishes Applicant's

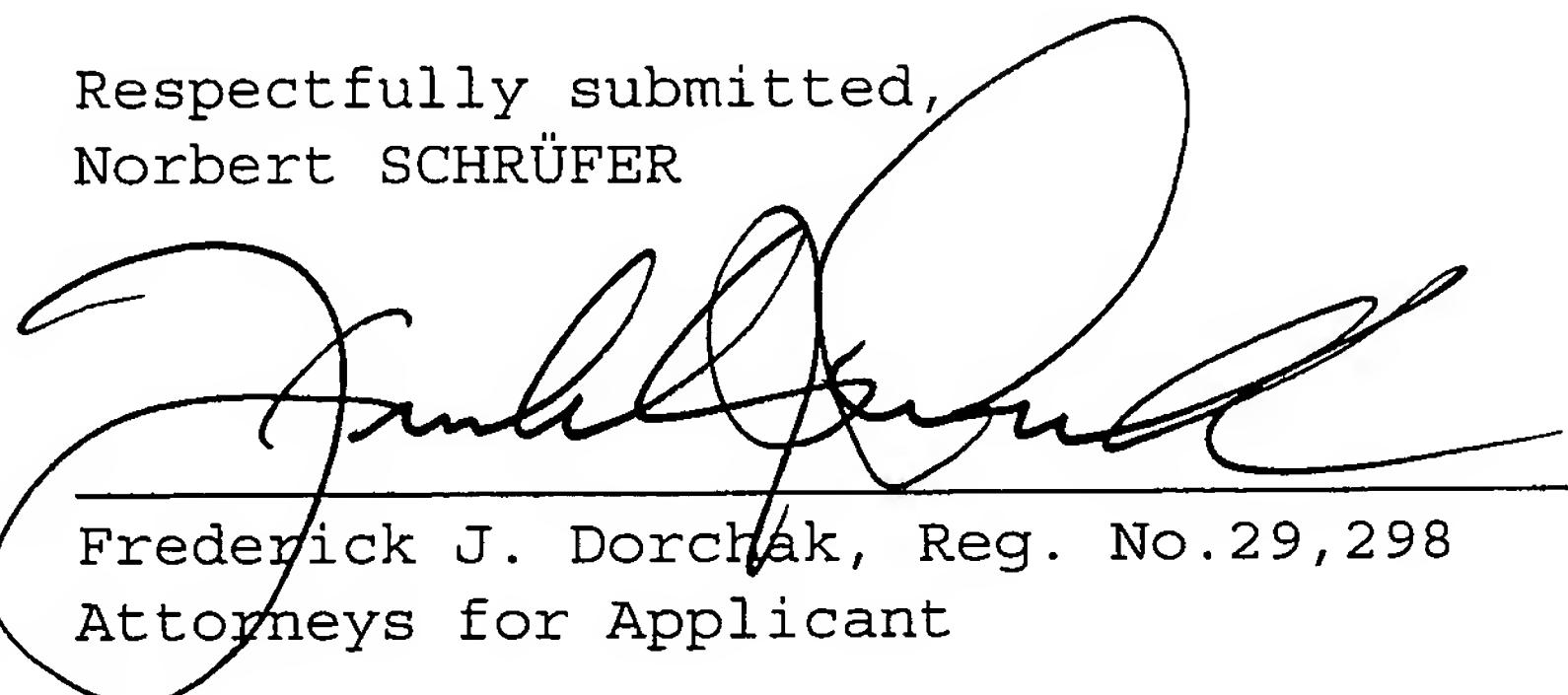
sliding bearing and shell as recited in claim 4 as amended from the bearing shell of *Roemer et al.* Although the Examiner compares the tongue 5 of Applicant's claim 4 as amended with the projection 13 of *Roemer et al.*, the projection 13 of *Roemer et al.* obviously ends with the outer circumferential wall of the bearing shell which means that no free space results between the projection 13 and the bearing shell. *Roemer et al.*'s recess 15, therefore, cannot be compared with the recess between the bent out tongue and the remaining shell as recited in Applicant's claim 4 as amended.

Accordingly, it is respectfully that claim 4 as amended is patentable over *Roemer et al.* because of the structural differences in the claimed subject matter that are found in claim 4, as amended, that are not disclosed in *Roemer et al.* including an indentation having a width that narrows from a separation area as measured along a line perpendicular to the shell body portion delimiting one side of the indentation and from that shell body portion to a side of a partly cut and bent out tongue facing the shell body portion that delimits the other side of the

indentation. Moreover, it is respectfully submitted that Roemer et al. cannot read on Applicant's sliding bearing shell under any reasonable interpretation.

In summary, claim 4 has been amended. In view of the foregoing, it is respectfully requested that the claim be allowed and that this application be passed to issue.

Respectfully submitted,
Norbert SCHRÜFER

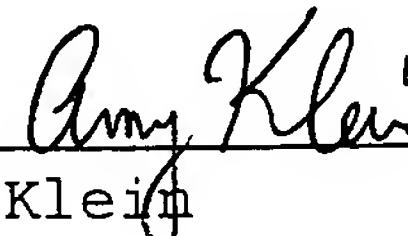


COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
FJD: CW:cmm

Frederick J. Dorchak, Reg. No. 29,298
Attorneys for Applicant

EXPRESS MAIL NO. EM 324 228 232 US
Date of Deposit: July 16, 2009

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Amy Klein